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4 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 JOHN WESLEY HORN,

7 Plaintiff,

8 v.

9 GREGORY JONES,

10 Defendant.

Case No. 3:21-cv-05244-RJB-TLF

ORDER

11 This matter comes before the Court on plaintiff's motion to file an amended
12 complaint. Dkt. 8.

13 Plaintiff, proceeding *pro se* and *in forma pauperis*, initiated this action on April 5,
14 2021. Dkt. 1. The Court directed service of plaintiff's original complaint on April 13, 2021
15 (Dkt. 6) and defendant waived service and filed a notice of appearance on May 6, 2021
16 (Dkts. 9, 10). The deadline to file an answer has not yet passed, and no answer has yet
17 been filed.

18 "A party may amend its pleading once as a matter of course within . . . 21 days
19 after service of a responsive pleading." Fed. R. Civ. P. 15(a). *See also Mayle v. Felix*,
20 545 U.S. 644, 665-66 (2005) (Plaintiff's opportunity to amend as a matter of course,
21 without permission of the Court, exists within 21 days of when the responsive pleading
22 is served). Because no responsive pleading has been filed, plaintiff is entitled to amend
23 his complaint as a matter of course.

1 IT IS THEREFORE ORDERED as follows:

2 1. Plaintiff's motion to file an amended complaint (Dkt. 8) is GRANTED; and

3 2. The Clerk is directed to docket plaintiff's proposed amended complaint (Dkt.

4 8-2), which shall be the operative complaint in this matter.

5 Dated this 18th day of May, 2021.

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9 Theresa L. Fricke
10 United States Magistrate Judge
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